HIGH COURT OF UTTARANCHAL AT NAINIAL

Writ Petition No. 1566(S/S) of 2005

Bhagwan Singh (Ex Sepoy 13624317),
S/o Sri Kharak Singh Bhandari,
R/o village Bhadura, Post Dhapolasera,
Tehsil & District Bageshwar. ---------Petitioner.

Vs.

1. Union of India through Secretary,
   Ministry of Defence, New Delhi,
2. Chief Controller of Defence,
   Account (P) Allahabad U.P.,
3. Officer in-charge Record Abhilekhs Parachute Regiment,
   Records Parachute Regiment, Banglore 560006,
4. Chief of Army Staff, Indian Army,
   Sena Bhawan, New Delhi. --------Respondents.

Sri Dinesh Chauhan, learned counsel for the petitioner.
Learned Solicitor General Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Dinesh Chuhan, learned counsel for the petitioner and Sri V.B.S. Negi, learned Solicitor General Union of India/respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of certiorari for quashing of the order dated 22.09.2004 passed by the Chief Controller of Defence, Account (P), Allahabad (U.P.) and order dated 10.11.2004 issued by the Officer in-charge Record, Abhilekhs Parachute, Regiment, Banglore by which the claim of the petitioner for disability pension has been rejected by the respondents.

Aggrieved by the foresaid order, the petitioner has already preferred appeal before the respondent no.1/Secretary Ministry of Defence, New Delhi on 11.02.2005 and the same is still pending before him.

Learned counsel for the petitioner has confined his prayer to the extend that directions may be issued to the respondent no.1 to take final decision on the appeal filed by the petitioner before him as the petitioner is facing hardship and has yet not received a single penny as a disability pension since his discharged from the services.

In view of the above circumstances, I think it just and proper to direct the respondents to take decision on the appeal preferred by the petitioner.

Accordingly, I direct the respondent No.1/Secretary, Ministry of Defence, New Delhi to decide the appeal preferred by the petitioner, pending before him, as expeditiously as possible from the date of receipt of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

October 25, 2005:
NCM: